

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

JASON ADAM JENSEN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:22-CV-03140-BCW
)	
CITIBANK, N.A., et al.,)	
)	
Defendants.)	

ORDER

Before the Court are Plaintiff Jensen’s Motion to Strike Appearance and Motion for Default Judgment (Doc. #69), Defendants Citibank and Citigroup’s Motion for Extension of Time to Respond to Plaintiff’s Motion to Strike and Motion for Default Judgment (Doc. #72), and “Jensen’s Motion to Withdraw Motion to Strike Appearance” (Doc. #92). The Court, being duly advised of the premises, rules as follows.

On March 28, 2023, counsel entered an appearance on behalf of Defendant Citibank, N.A. (Doc. #68). On the same day, Plaintiff filed a motion to strike the entry of appearance and a motion for default judgment. (Doc. #69).

On April 11, 2023, Defendants Citibank, N.A. and Citigroup, Inc. filed a Motion for Extension of Time to Respond to Plaintiff’s motion to strike and for default judgment. (Doc. #72). Defendants noted though they had not been served in this matter, they wished to respond to Plaintiff’s motion and requested an extension of time to May 2, 2023. (Doc. #72).

Plaintiff filed suggestions in opposition Defendants’ extension request. (Doc. #73). Defendants’ deadline to reply was May 9, 2023.

Though the Court had not granted Defendants' motion for extension of time, Defendants filed an opposition to Plaintiff's motion to strike and for default judgment on May 3, 2023. (Doc. #79). Substantively, Defendants argue there is no procedural basis for the Court to strike counsel's entry of appearance and Defendants are not in default because they have not yet been served. (Doc. #88). In reply, Plaintiff disputes whether Defendants have been served. (Doc. #88).

On May 23, 2023, Plaintiff filed a motion to withdraw the request that counsel for Defendants' entry of appearance be stricken. (Doc. #92). The Court grants Plaintiff's motion for leave to withdraw this aspect of the motion. Therefore, Plaintiff's motion to strike counsel's entry of appearance is deemed withdrawn and this aspect of the motion is denied as moot.

Plaintiff's motion for default judgment remains. (Doc. #69). The Court grants, over Plaintiff's objection, Defendants leave to respond to the motion for default judgment out of time (Doc. #72). The Court notes that in the future, motions for extension of time should be filed no later than three days before the filing deadline established by rule or Court order. Based on this ruling, the Court denies Plaintiff's motion for default judgment for lack of service and/or because Defendants have indicated an intent to defend Plaintiff's claims. Default is therefore improper under Fed. R. Civ. P. 55. Accordingly, it is hereby

ORDERED "Jensen's Motion to Withdraw Motion to Strike Appearance" (Doc. #92) is GRANTED. Plaintiff's motion to strike set forth in Doc. #69 is deemed withdrawn. It is further

ORDERED Defendants Citibank and Citigroup's Motion for Extension of Time to Respond to Plaintiff's Motion to Strike and Motion for Default Judgment (Doc. #72) is GRANTED and the Court considers Defendants' May 3, 2023 filing as set forth herein. It is further

ORDERED Plaintiff Jensen's Motion to Strike Appearance and Motion for Default Judgment (Doc. #69) is DENIED. The motion to strike appearance is denied as moot as withdrawn and the motion for default judgment is denied.

IT IS SO ORDERED.

Date: June 13, 2023

/s/ Brian C. Wimes
JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT